

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

PETER & MARY VERASIN, SP 2013-PR-090 Appl. under Sect(s). 8-914 and 8-922 of the Zoning Ordinance to permit reduction of minimum yard requirements based on error in building location to permit open deck to remain 0.0 ft. from side lot line and accessory storage structure to remain 1.3 ft. from side lot line and 3.6 ft. from rear lot line and to permit reduction in certain yard requirements to permit construction of second story addition 25.9 ft. and covered deck 20.4 ft. from front lot line. Located at 6906 Farragut Ave., Falls Church, 22042, on approx. 8,570 sq. ft. of land zoned R-4. Providence District. Tax Map 50-4 ((15)) 26. (Admin. moved from 1/15/14 at appl. req.)

Ms. Theodore moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on February 5, 2014; and

WHEREAS, the Board has made the following findings of fact:

1. The applicants are the owners of the land.
2. With specific respect to Sect. 8-922 for the second-story addition and the covered porch, as reflected by the staff report, this is a modest addition.
3. It conforms with many of the additions that have occurred in the neighborhood to date.
4. The material, size, and scale of the addition are compatible with the existing dwelling.
5. It is in the existing footprint of the first-story addition.
6. The staff report also reflects there are no drainage complaints.
7. Staff believes the addition will not increase runoff or erosion.
8. There are no concerns with respect to impacts on vegetation or trees with respect to the addition.
9. Staff is recommending approval for the addition and the covered deck.
10. With respect to Sect. 8-914 for the patio and the shed, the Board would also find that the applicant has presented testimony indicating compliance with the mistake section of the Zoning Ordinance.
11. The compliance was done in good faith, and no fault of the property owner.
12. The applicants purchased the property with these existing conditions present.

THAT the applicant has presented testimony indicating compliance with Sect. 8-006, General Standards for Special Permit Uses, and the additional standards for this use as contained in the Zoning Ordinance. Based on the standards for building in error, the Board has determined:

- A. That the error exceeds ten (10) percent of the measurement involved;
- B. The non-compliance was done in good faith, or through no fault of the property owner, or was the result of an error in the location of the building subsequent to the issuance of a Building Permit, if such was required;
- C. Such reduction will not impair the purpose and intent of this Ordinance;

- D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity;
- E. It will not create an unsafe condition with respect to both other property and public streets;
- F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner; and
- G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

- 1. That the granting of this special permit will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.
- 2. That the granting of this special permit will not create an unsafe condition with respect to both other properties and public streets and that to force compliance with setback requirements would cause unreasonable hardship upon the owner.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED**, with the following development conditions:

- 1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
- 2. This special permit is approved for the location and size of the addition (690 square feet), a covered deck (20 square feet), patio and shed as shown on the plat titled "Plat, Showing the Improvements on Lot 26, Section Two, City Park Homes," prepared by George M. O'Quinn, L.S., of Dominion Surveyors Inc., dated June 26, 2013 and as revised through October 22, 2013, as submitted with this application and is not transferable to other land.
- 3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (1,552 square feet existing + 2,328 square feet (150%) = 3,880 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
- 4. The additions shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.
- 5. The structures (patio and shed) in the sanitary sewer easement are approved, subject to the terms and conditions of the sanitary sewer easement specifications.

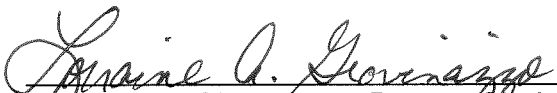
6. The structure (shed) in the utility easement is approved, subject to the terms and conditions of the utility easement specifications.
7. The applicant shall remove the western asphalt driveway within 180 days in order to comply with the front yard coverage regulations in the Zoning Ordinance.
8. All applicable building permits and final inspections shall be obtained for the accessory storage structure (shed) within 180 days.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, 30 months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.

Mr. Smith seconded the motion, which carried by a vote of 7-0.

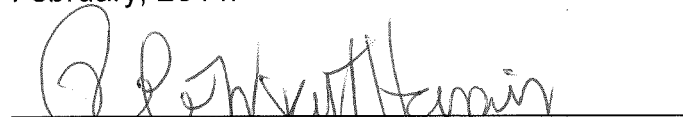
A Copy Teste:


 Lorraine A. Giovinazzo, Deputy Clerk
 Board of Zoning Appeals

ACKNOWLEDGEMENT

County of Fairfax
 Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 11 day of February, 2014.


 Notary Public

My commission expires: 9-30-2017



VERASIN
RESIDENCE

REMODEL & ADDITION

6906 FARRAGUT AVENUE
FALLS CHURCH, VA 22042

GENERAL CONTRACTOR

KCI General Contractors
2041 W. 11th Ave. #3
Vero Beach, FL 32909
781.319.2112 office
781.319.2424 cell

Kevin Kaminski (Contact)
781.452.7705
kaminski@kci-generalcontractors.com

ARCHITECTURE

Hyun A. Kim

618 Four Road Rd
Falls Park, VA 22046
703.562.3761 (f)

STRUCTURAL ENGINEER

Ohi Engineering Group
10000 W. 11th Ave. #3
Arlington, VA 22203
703.401.5682 office

Kamran Ohi (Contact)
khi@ohieng.com

FOR FIRM	03252013
NO. ACQUISITION	DATE
DATE	

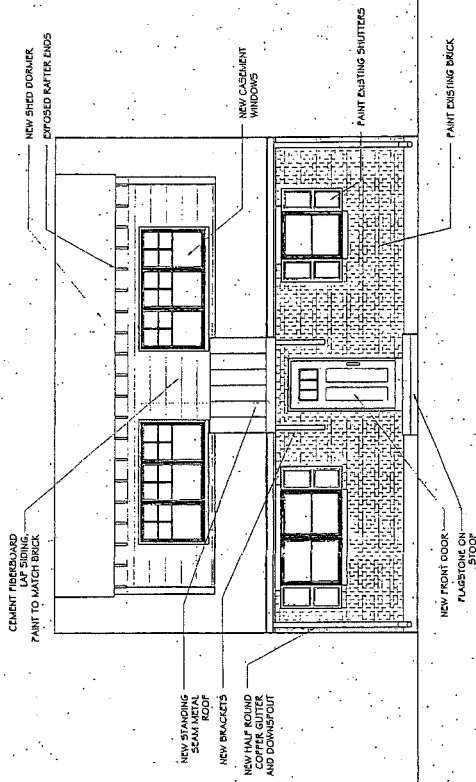
PROPOSED
ELEVATIONS

SCALE: 1/4" = 1'-0"

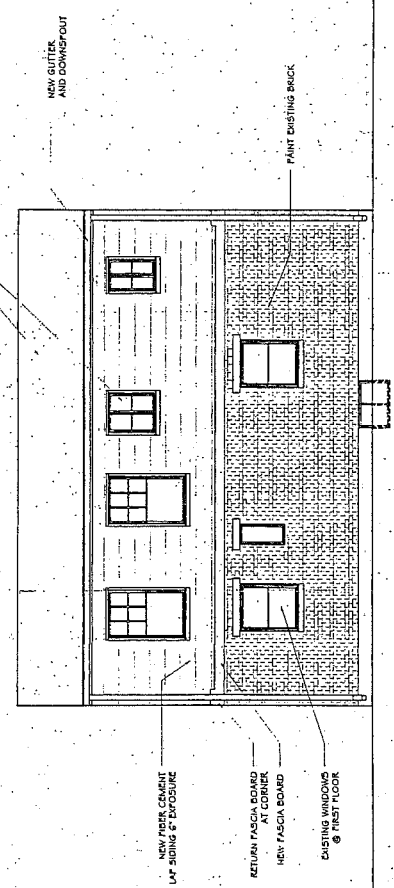
PROJECT NO.

SHEET NO.

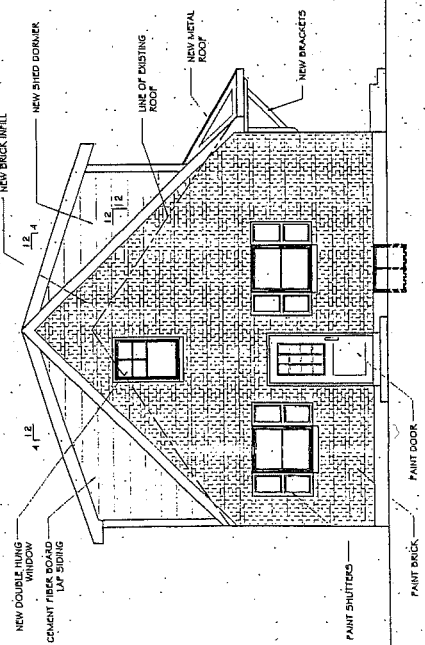
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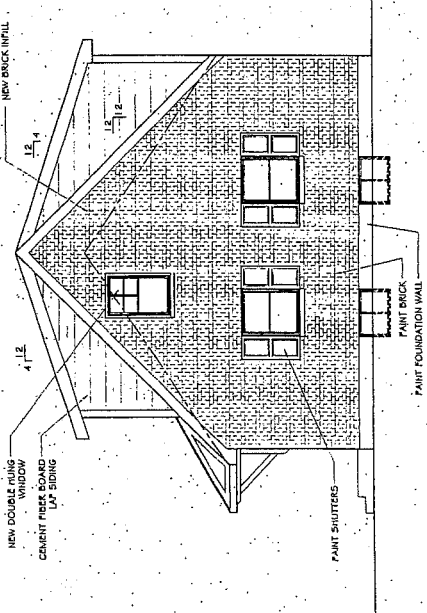
(B) SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



(D) NORTH ELEVATION
SCALE: 1/4" = 1'-0"



(A) WEST ELEVATION
SCALE: 1/4" = 1'-0"



(C) EAST ELEVATION
SCALE: 1/4" = 1'-0"